

Application No. 10/658,092
Response dated July 27, 2005
Reply to Office Action of March 9, 2005

REMARKS

Claims 1-43 are pending in this application. Applicants have cancelled without prejudice claims 1-9.

Claims 1-5, 7-9, and 34-37 are rejected. Claims 6 and 38-41 are objected to. Claims 10-33, 42, and 43 are allowed.

Claim 5 was objected to but has been cancelled.

Rejection of claims 1-5 and 7-9 under 35 U.S.C. 102(e)

Claims 1-5 and 7-9 have been cancelled thereby removing the grounds for the rejection under 35 U.S.C. 102.

Rejection of claims 34-37 under 35 U.S.C. 103(a)

Claims 34-37 were rejected as being obvious over Simson. The Examiner noted that "Simson does not disclose the material from which the rings are formed." However, the Examiner concluded that "It would have been considered obvious to form the rings of Simson from any known packing ring material since any material that provides an adequate seal in a harsh environment could be randomly selected." Applicants respectfully traverse this rejection.

Claim 34 expressly requires that "each of the packing units comprise a plurality of packing rings, at least one packing ring in each packing unit being comprised of a mixture of teflon and carbon and at least one other packing unit being comprised of aramid." These materials were obtained after substantial experimentation regarding various types of seal combinations and are not obvious to one of ordinary skill in the art.

Applicants respectfully suggest that the Examiner's rejection improperly uses hindsight and applicants own specification in making this rejection. "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under [35 U.S.C.] Section 103, teachings of

Application No. 10/658,092
Response dated July 27, 2005
Reply to Office Action of March 9, 2005

references can be combined only if there is some suggestion or incentive to do so." ACS Hospital Systems v. Montefiore Hospital, 221 USPQ 929, 933 (CAFC 1984) and cases cited therein (emphasis in original).

Applicants respectfully suggest that the Examiner has improperly concluded that somehow, out of the many possible types of materials for which rings can be constructed, the particular claimed combination would have been obvious to one of ordinary skill in the art. Applicants respectfully suggest that such does not show that the particular combination is obvious. The different types of claimed sealing materials surprisingly can increase the service life of the sealing unit while allowing these units to seal in different operating conditions (such as in both high and low pressure states).

It is respectfully submitted that Claim 34 is allowable. Because claims 35-37 depend directly or indirectly on claim 34 it is respectfully submitted that claims 35-37 are also allowable.

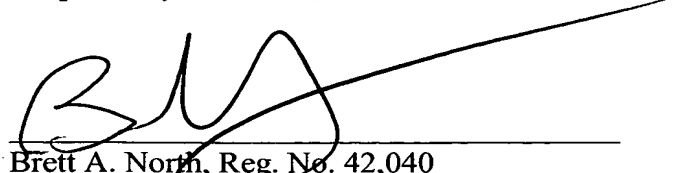
Applicant respectfully submits that the application is in condition for allowance. A Notice of Allowance is hereby respectfully requested.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Please charge any fees due or credit any overpayment to Deposit Account No. 50-0694.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'B. North', written over a horizontal line.

Brett A. North, Reg. No. 42,040
Charles C. Garvey, Jr., Reg. No. 27,889
Gregory C. Smith, Reg. No. 29,441
Seth M. Nehrbass, Reg. No. 31,281
Stephen R. Doody, Reg. No. 29,062
GARVEY, SMITH, NEHRBASS & DOODY, L.L.C.

Application No. 10/658,092
Response dated July 27, 2005
Reply to Office Action of March 9, 2005

PTO Customer No. 22920
3838 N. Causeway Blvd., Suite 3290
Metairie, LA 70002
Tel.: (504) 835-2000
Fax: 504-835-2070
www.neworleanspatents.com

CERTIFICATE OF MAILING

I hereby certify that the attached correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27 day of July, 2005.



Brett A. North

P:\Brett\98703.1P.RES.wpd